

**Portland Harbor Superfund Site
Status, Background and Key Issues
Congressional/EPA/Stakeholder Meeting May 1, 2013**

Status:

- The Baseline Human Health Risk Assessment is complete. The final BHHRA was submitted March 28, 2013 and approved April 4, 2013.
- EPA and the LWG are nearing completion of the final baseline ecological risk assessment. The LWG has incorporated EPA's latest comments and provided a final document April 1, 2013 that is under EPA review. EPA is working with LWG to resolve the last remaining edits, and expects that an approvable document will be finalized in June 2013.
- EPA is providing redline changes to text and additional comments on the draft RI. The comments are being provided to the LWG section-by-section as EPA completes its review. The extent of revisions varies by section. The process provides for the LWG to provide feedback and for EPA and LWG project staff to negotiate the final language. If the staff cannot resolve the language, it can be elevated to senior managers for resolution. Five of ten sections have been provided to the LWG and two have been successfully negotiated at the staff level. Two sections have only one issue each that are being elevated to the senior manager level. The fifth one is still under review by the LWG. It is anticipated that the comments will be resolved later this year (2013) and a final document produced by the LWG in early 2014.
- The Lower Willamette Group (LWG) submitted the Draft Portland Harbor Feasibility Study (FS) to EPA March 30, 2012. Estimated costs of the cleanup alternatives range from \$169 million to \$1.7 billion. EPA submitted comments on the draft FS in December 2012. EPA has significant issues with the document and is working with the LWG to resolve those issues. The Oregonian printed a front page story on EPA's comments and concerns with the adequacy of the draft document. EPA and the LWG are working on how to finalize the FS and who will have the lead for what parts. EPA anticipates writing a considerable portion of the final FS, with the LWG providing technical support.

Issues/Background:

- Portland Harbor Superfund Site was listed in December 2000 for releases to the river from upland sources.
- EPA has identified approximately 148 PRPs to date, which includes several local, state and federal agencies and departments. Ten PRPs (the Lower Willamette Group or LWG) performing RI/FS under a 2001 AOC.
- State of Oregon is lead for upland source control identification and cleanup.
- RI/FS being coordinated with state and federal Natural Resource Trustee agencies, 6 Native American Tribes
- The Portland Harbor Citizens Advisory Group plays an active role in making sure the concerns of the community are considered throughout the investigation.

- **Documents Submitted Are Inadequate**

- **Draft FS** –EPA’s ability to move forward with a Proposed Plan for cleanup in late 2013 is highly dependent on the quality, transparency and completeness of the PRP’s draft FS. Based on our initial review the LWG draft document, although it includes useful information and analysis, falls short of our needs. The LWG’s FS and its public presentations emphasize site wide risks and cleanup evaluations that downplay the current risks and potential risk reduction associated with hot spot/source areas of contamination. The best scoring alternatives (Alternative B, C and D) rely heavily on natural recovery (no action) because their fate and transport models support natural recovery. EPA is reviewing the models and has found that the overly optimistic predictions do not reflect actual site conditions in several areas.

- **2nd Draft RI**

- After reviewing the second draft of the August 2011 RI, EPA determined that the document was inadequate and notified the LWG in December 2011 and requested the Word version of the document to make modifications.
- The document was determined inadequate because it does not clearly describe the remedial investigation process, does not clearly present the information and conclusions, contains language that obfuscates the issues of contamination, and does not adequately address EPA’s comments submitted in July 2010.

- **Draft HHRA**

- The LWG disputed EPA’s modifications to the 2011 draft document and the basis for determining that they were out of compliance with the Administrative Order. There was some media coverage and Congressional interest, as well as LWG complaints to ECL management that EPA had radically changed its way of doing business on the project. EPA and the LWG have been engaged in the dispute process since late July. The initial informal dispute process narrowed the LWG’s list of issues, but did not resolve all of the disputed issues. The LWG invoked formal dispute on Sept 17th, and provided their dispute position on Sept 21st. Under the AOC, the R10 ECL Director is the dispute official but by agreement of all parties Dan Opalski (prior R10 ECL Director) will retain decision making for this dispute.
- The key issues in dispute include EPA’s selection of reasonable maximum exposure scenarios for fish consumption and changes to document text that EPA found confusing, inaccurate or biased.
- The LWG also complained about consistency in EPA direction and feels we haven’t abided by other agreements made along the way. They want to define a new working relationship.

RI/FS and getting to Cleanup

- Various PRP white papers were developed and publicized in the past year: (1) cost-benefit analysis purporting that jobs will be lost by a cleanup, (2) white paper criticizing EPA risk scenarios as overly conservative, (3) analysis of food-web model inaccuracies, and (4) analysis of anticipated utility rate increases due to cleanup costs.
 - **Brattle Group Fish Consumption Survey** – Just prior to the last meeting EPA became aware that some PRPs conducted a survey of fish consumption in the Portland Harbor Site. There was no coordination with EPA in the survey design, and EPA has been on record discouraging surveys that do not meet rigorous technical standards, and pointing out the time and cost of doing a survey that would meet those standards. The survey was funded by 3 PRPs - Schnitzer, Vigor, and Gunderson. Gunderson is an AOC signatory/LWG member; the other two parties had the opportunity but did not sign the ACO or join the LWG. The report estimated that 7800 people were consuming resident fish from Portland Harbor, and 78 people were consuming high rates of fish (rates that were similar to EPA's estimates for reasonable maximum exposure).
 - **The Portland Harbor Partnership** - A group of PRPs, including some LWG members, was previously very active conducting its own outreach activities. Although its efforts have been touted as educational, EPA is concerned that it may be laying the groundwork for advocacy. The partnership supported a survey last year by Portland State University which confirmed that people, especially ethnic community members, are fishing in the lower Willamette to supplement their diets. The Brattle Group study appears to be a follow up to the findings of the first survey. Other activities are also being planned. The Portland Harbor Partnership has not conducted major outreach activities for the past several months.
- **Work underway or completed**
 - **Early Actions at GASCO and T4; potential action at River Mile 11E** - Early Actions offshore of the Arco/BP, GASCO and the Port's T4 facilities have been completed and have reduced risk posed by these areas of highly contaminated sediment. Additional work at GASCO, T4 and at the Arkema facility will provide design level information that will help accelerate remedial work once the ROD is signed. EPA also sent a group of PRPs (to include the City) a draft AOC and scope of work for pre-design and design work at RM 11E. RM 11E is PCB hotspot at the upstream end of the site, and early sequencing of work is key to a successful cleanup. EPA staff is concerned that the City has stepped back from its early leadership role on this area, and it is unclear if this is a change in position at the City.
 - **Upstream and upland cleanups underway** - Construction is underway at contain and capture contaminated groundwater and manage stormwater from the Arkema facility under DEQ oversight. The Triangle Park upland property cleanup was also completed last fall under EPA oversight. Cleanup work was also recently completed at Zidell ship dismantling facility, which is located upstream of the PH study area. The Zidell cleanup included in-water PCB contaminated sediments

and was conducted under DEQ oversight.

- **Fish tissue collection** – The LWG agreed to conduct additional smallmouth bass tissue sampling last fall at the request of EPA. The LWG recently submitted the results of PCB levels in the fish. The data will help us evaluate current trends in concentration levels, natural recovery model predictions, and establish a baseline to evaluate remedy effectiveness.

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